

## **MERCED SUPERIOR COURT LOCAL COURT RULES**

the exhibit shall provide the photographic record. The party or agency to whom the exhibit is returned shall be responsible for maintaining and preserving the exhibit until there is a final disposition of the action or proceeding. All exhibit tags and other identifying markings or information concerning each exhibit shall remain in place and shall not be disturbed. Each exhibit shall be maintained intact and in the same condition as during trial. In the event further proceedings of any court having jurisdiction of the matter require the presence of the exhibit, the party or agency to whom it was returned shall promptly deliver the exhibit to the appropriate court, with notice to all parties.

### **q. Pass request**

(1). The court has approved a form for use whenever an inmate requests a pass from the jail. The form is available at the Criminal Division of the clerk's office.

(2). If the pass is requested for medical reasons the inmate should complete a release of information form which is also available at the Criminal Division of the clerk's office.

*(Effective July 1, 2004; Revised January 1, 2009; Amended January 1, 2010).*

### **RULE 17: COURT EXECUTIVE OFFICER**

Pursuant to Government Code § 69898, the Court Executive Officer, under the discretion of the Presiding Judge, shall exercise all of the powers, duties and responsibilities as Clerk of the Merced Superior Court. These powers, duties and responsibilities shall include all of those previously performed by the County Clerk as Ex Officio Clerk of the Merced County Superior Court, and those pertaining to the Grand Jury prescribed by Penal Code §§ 900 and 933. Pursuant to Government Code § 26800, the County Clerk is hereby relieved of any obligation imposed by law with respect to these powers, duties and responsibilities. Pursuant to Government Code § 69893 and Code of Civil Procedure § 195, the Court Executive Officer shall also serve as Jury Commissioner.

## **MERCED SUPERIOR COURT LOCAL COURT RULES**

The duties of the Court Executive Officer shall include, but are not necessarily limited to, those set forth in California Rules of Court Rule 10.610 and such other duties as may be assigned by the Presiding Judge. The Court Executive Officer shall be responsible for the selection, retention and direction of all non-judicial personnel of the court. The Court Executive Officer shall be an exempt employee whose selection shall be recommended by a majority of the Executive Committee and approved by a majority vote of all Merced Superior Court Judges, who may be terminated by a majority vote of all Merced Superior Court Judges. The Court Executive Officer shall serve as a non-voting member of the Executive Committee and shall serve as secretary. The secretary is responsible for conducting all elections and counting all votes.

*(Effective July 1, 2004).*

### **RULE 18: COURT COMMISSIONERS**

Court Commissioners shall be exempt employees who shall serve at the pleasure of the judges of the Merced Superior Court. They shall be selected by the Executive Committee and may be terminated by a majority of all Merced Superior Court Judges.

*(Effective July 1, 2004).*

### **RULE 19: NOTICE TO APPEAR PURSUANT TO V.C. § 40500**

Pursuant to California Vehicle Code Section 40902, the court hereby provides that a defendant may elect to have a trial by declaration upon any alleged infraction involving a violation of the California Vehicle Code or any local ordinance adopted pursuant to said code. Testimony and other relevant evidence may be introduced in the form of a notice to appear issued pursuant to Vehicle Code Section 40500, a business record or receipt, a sworn declaration of the arresting officer, or a written statement or letter signed by the defendant. A request for trial de novo pursuant to Vehicle Code Section 40902(d) must be filed no later than twenty (20) days from the date of mailing of the court's original decision. *(Effective July 1, 2004).*

# MERCED SUPERIOR COURT LOCAL COURT RULES

## **RULE 20:    RESERVED**

## **RULE 21:    APPELLATE DEPARTMENT**

### **a.       Sessions**

Regular sessions of the Appellate Department shall be held on the fourth Monday of each month at 1:15 p.m., unless that day falls on a holiday in which event the session shall be held on the third Monday of that month at 1:15 p.m. Special sessions shall be held at the call of the Presiding Judge of the Appellate Department.

### **b.       Calendaring**

Immediately upon the filing of the record on appeal in the Court, the Clerk shall set the case for oral argument on the next regular session which allows the parties time to comply with the briefing schedule set forth in Rule 8.706, California Rules of Court.

### **c.       Briefs**

Briefs shall be prepared, served and filed as provided by Rule 8.706, California Rules of Court. Counsel shall also deposit with the Clerk three (3) legible copies for the assistance of the members of the Court. The Clerk shall not file any brief which does not conform to the rules or which is tendered for filing after the time fixed by that rule or by an order extending the time for filing.

### **d.       Motions**

All requests for relief from any default shall be heard at a regular session, unless a different time for the hearing is designated by the Presiding Judge of the Appellate Department. Requests for extensions of time for filing briefs or for continuances of a hearing, which are timely filed, may be granted by the Presiding Judge of the Appellate Department or set by him or her for consideration at a regular or special session.

## **MERCED SUPERIOR COURT LOCAL COURT RULES**

### **e. Oral Argument**

Unless otherwise ordered, counsel for each party shall be allowed fifteen (15) minutes for oral argument. The appellate or the moving party shall have the right to open and close.

*(Effective July 1, 2004).*

**RULES 22-199:     RESERVED**

### **RULE 200:   PROBATE RULES – PREFACE**

It is not the court's intent in adopting these rules to cover every anticipated question or concern, but rather to provide a few additional guidelines, which are considered important for local practice. Nor does the Court intend these rules to be a research tool. The Probate Department of the Merced Superior Court encourages the use of the Probate Code, California Rules of Court, Judicial Council forms, and the publications of the Continuing Education of the Bar as valuable guidelines and references with respect to local practice.

Unless stated otherwise, all references in this Rule are to the California Probate Code.

### **a. Time and Place of Hearing**

All uncontested probate hearings and contested matters, which are not expected to exceed twenty (20) minutes in length, shall be set at 8:30 a.m. on Monday – Thursday. All hearings which are likely to exceed twenty (20) minutes in length should be set at 10:00 a.m., on a Monday.